

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : ORDER OF FORFEITURE/
 : PRELIMINARY ORDER OF
 -v.- : FORFEITURE

TONY DUH, and : S3 07 Cr. 511 (GEL)
LINDA DUH, :
Defendants. :

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WHEREAS, on or about December 6, 2007, TONY DUH and LINDA DUH, the defendants, were charged in a two-count Superseding Information, S3 07 Cr. 511 (GEL) (the "Information"), with conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count One) and with misprison of a felony, in violation of 18 U.S.C. § 4 (Count Two);

WHEREAS, the Information included a forfeiture allegation pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, seeking the forfeiture of all property, real and personal, involved in the money laundering offense and all property traceable to such property, including:

- a. A sum of money equal to \$10,000,000 in United States currency, representing the amount of proceeds laundered as a result of the said offenses, including but not limited to the following:
 - i. All United States currency funds or other monetary instruments credited to account numbers 0651001939; 655910206; 81004319; 61001939; 10024701, and 65002288 in the name of "Fine Accessories Plus Inc. d/b/a Real Style

Accessories", located at Cathay Bank, 235 Fifth Avenue, New York, New York, 10016;

- ii. All United States currency funds or other monetary instruments credited to account numbers 8917888094, 0109108638, and 0109108646, in the names of Tony Duh and Linda Duh, located at Commerce Bank, 11000 Atrium Way, Mount Laurel, NJ 09054;
- iii. All United States currency funds or other monetary instruments credited to account numbers 907-1576264-65 and 907-1576264-01, in the name of Linda Duh, as well as certificate of deposit number 1000070955029 in the name of Linda Duh, located at J.P. Morgan Chase Bank in New York, New York;
- iv. All United States currency funds or other monetary instruments credited to account numbers 3608719, 3701034, 3212735, 3207222, 3608189, 3608155, 3214079, 3214640, 3700671, and 3302213 in the names of "Fine Accessories Plus Inc. d/b/a Real Style Accessories" and "Sun Chain International Corp." located at Broadway National Bank, 250 Fifth Avenue, New York, New York;
- v. All United States currency funds or other monetary instruments credited to account numbers 10024701, 61001939, 65002288, 81004319 in the names of "Fine Accessories Plus Inc. d/b/a Real Style Accessories" and "Sun Chain International Corp." located at Great Eastern Bank, New York, New York;
- vi. All United States currency, seized on or about June 23, 2007, from within the premises located at 22 West 30th Street, New York, New York, which includes approximately \$500,000;
- vii. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 22 West 30th Street, New York, New York, more particularly described as Block 831, Lot 52.
- viii. One 2003 Mercedes Benz E320, bearing vehicle identification number WDBUF65J63A85790;

(i. and viii., hereinafter, the "Subject Property");

WHEREAS, on or about December 6, 2007, pursuant to plea agreements (the "Plea Agreements"), the defendant TONY DUH pled guilty to Count One of the Information and the defendant LINDA DUH pled guilty to Count Two of the Information;

WHEREAS, in the Plea Agreements, the defendant TONY DUH admitted to the forfeiture allegation of the Information and agreed to the entry of a forfeiture money judgment in the amount of \$10,000,000, representing the amount of proceeds obtained as a result of the charged offenses of the Information (the "Money Judgment") and the defendants TONY DUH and LINDA DUH agreed to the forfeiture of the Subject Property;

WHEREAS, the Subject Property is to be forfeited, liquidated or sold and the proceeds applied towards satisfaction of the Money Judgment;

WHEREAS, on or about July 25, 2008, the defendants TONY DUH and LINDA DUH were sentenced and ordered to forfeit their interest in the Subject Property and the Money Judgment was entered against the defendant TONY DUH; and

WHEREAS, pursuant to 21 U.S.C. § 853(g), the United States is, by virtue of said guilty plea and sentences, now entitled, pending any assertion of third-party claims, to reduce the Subject Property to its possession and to notify any and all potential purchasers and transferees thereof of its interest therein;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED
THAT:

1. As a result of the offenses in the Information to which the defendant TONY DUH entered a plea of guilty, a forfeiture money judgment in the amount of \$10,000,000 shall be entered against the defendant TONY DUH, as part of his criminal sentence and shall be included in the judgment of conviction therewith.

2. Pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461 and Rule 32.2(b)(1) of the Federal Rules of Criminal Procedure, all of the defendants' right, title and interest in the Subject Property is forfeited to the United States for disposition in accordance with the law and, shall be applied to the Money Judgment in partial satisfaction thereof. To the extent that the total monies forfeited pursuant to the Final Order of Forfeiture are less than \$10,000,000 (the amount of the Money Judgment), the defendant TONY DUH is liable for the outstanding balance of the Money Judgment.

3. The aforementioned Subject Property is to be seized pursuant to this Order of Forfeiture/Preliminary Order of Forfeiture and is to be held thereafter by the United States Marshals Service (or its designee) in its secure custody and control.

4. Pursuant to 21 U.S.C. § 853(n)(1), the United States

Marshals Service (or its designee) forthwith shall publish, at least once for three successive weeks in a newspaper of general circulation, notice of this Order, notice of the United States Marshals Service's (or its designee's) intent to dispose of the Subject Property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the above-listed Subject Property must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Subject Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the Subject Property and any additional facts supporting the petitioner's claim and the relief sought.

5. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Subject Property, which is the subject of this Order of Forfeiture/Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

6. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the

Subject Property pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

7. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

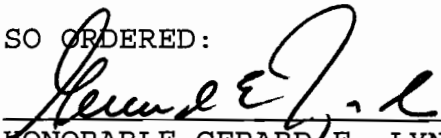
8. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order of Forfeiture/Preliminary Order of Forfeiture the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property, including depositions, interrogatories, requests for production of documents and to issue subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

9. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service", and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrews Plaza, New York, New York 10007.

10. The Clerk of the Court shall forward four certified copies of this Order to Assistant United States Attorney, Rua M. Kelly, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York
July 15, 2008
August

SO ORDERED:


HONORABLE GERARD E. LYNCH
UNITED STATES DISTRICT JUDGE